

104

Notice of Allowability	Application No.	Applicant(s)	
	09/695,317	YAMADA ET AL.	
	Examiner Robert D. Harlan	Art Unit 1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 04/16/2004.
2. The allowed claim(s) is/are 1-7 and 9-14.
3. The drawings filed on _____ are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/22/04 has been entered.

2. The RCE, Declaration under 37 CFR 1.132 and Remarks filed by Applicant on 03/22/04 have been entered.

Response to Amendment/Arguments

3. Applicant's arguments filed on 03/22/04 have been fully considered and they are found persuasive.

4. The rejection of claims 1-14 under 35 U.S.C. 102(e) as being anticipated by or, in the alternative, under 35

U.S.C. 103(a) as obvious over Hojo et al., U.S. Patent No. 6,380,288 (hereinafter "Hojo") is withdrawn.

Allowable Subject Matter/Reasons for Allowance

5. Claims 1-7 and 9-14 are allowed.

6. The following is an examiner's statement of reasons for allowance: The closest prior art located or identified by the Examiner is Hojo. Hojo discloses a rubber composition prepared by compounding 0.05 to 20 parts by weight of a hydrazide compound and a rubber selected from the group consisting of natural rubber and synthetic rubber (i.e. polybutadiene). See Hojo, Abstract; col. 2, line 15 through col. 5, line 48; col. 17, lines 14-45. Hojo further teaches that the rubber compositions are useful as tire tread. See Hojo, col. 4, lines 60-67. Hojo specifically teaches the use of 3-hydroxy-N'-(1,3-dimethylbutylidene)-2-naphthohydrazide in the rubber composition. See Hojo, Example 10. Hojo further teaches the use of HAF grade carbon black as reinforcing filler. See Hojo, Table 1. Hojo does not disclose all the properties of the carbon black delineated in the claimed invention, the present specification explicitly states that "carbon blacks of HAF grade to SAF grade

that satisfy the various conditions described above can be preferably used in the present invention." However, in light of the Nakayama Declaration filed on 03/22/2004, the Applicants have demonstrated that the carbon blacks disclose in Hojo do not possess the claim dibutyl phthalate absorption range of 140-200.

7. As of the date of this Notice of Allowability, the Examiner has not located or identified any reference that can be used singularly or in combination with another reference including Hojo to render the present invention anticipated or obvious to one of ordinary skill in the art.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

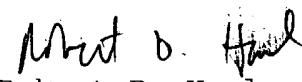
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D.

Harlan whose telephone number is (571) 272-1102. The examiner can normally be reached on Mon-Fri, 10 AM - 8 PM.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (571) 272-1114. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-1102 for regular communications and (571) 273-1102 for After Final communications.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1495.


Robert D. Harlan
Primary Examiner
Art Unit 1713

rdh
April 16, 2004